

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-10814-2020 (O&M)

Date of decision: 27.05.2020

Guriqbal Singh Virk

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Amaninder Preet, Advocate for the petitioner.

Mr. Suveer Shokand, Addl. AG, Punjab.

Mr. A.S. Sekhon, Advocate for the complainant.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail under Section 438 Cr.P.C. has been filed by petitioner Guriqbal Singh Virk, an accused in FIR No.0034 dated 09.02.2020, for an offence under Section 420 IPC, registered with Police Station City Kotkapura, District Faridkot.

Briefly stated facts of the case as per prosecution version are that Sandeep Singh and several other persons had submitted an application to Senior Superintendent of Police, Faridkot for the purpose of getting enquiry conducted and taking action against Guriqbal Singh Virk (present petitioner), his father Sukhmander Singh as well as mother and wife besides one Amarjit Singh on the

allegations that they had cheated them on the pretext of sending them to Canada. While the enquiry was pending with SHO, Police Station City, Faridkot, the culprits named in the complaint started pressurizing the complainants to withdraw the complaint threatening that in case it was not done, then the complainants would face dire consequences. It may be mentioned here that as a result of enquiry conducted by the police, it was found that the present petitioner and Amarjit Singh had cheated the complainants of an amount of Rs.60 lacs on the pretext of sending the complainants abroad. Accordingly, the FIR in question was registered against them.

Apprehending his arrest in this case, petitioner had approached the Court of Sessions at Faridkot, seeking pre-arrest bail, however, his such request was declined by Addl. Sessions Judge, Faridkot, vide order dated 06.03.2020. Therefore, he has approached this Court, praying for grant of similar relief, which request is being resisted by the State counsel as well as counsel for the complainant.

I have heard learned counsel for the parties besides going through the record.

There has been a strong desire among the people of Punjab to migrate to the foreign countries so as to have better financial condition. People are willing to part with substantial amounts to achieve their said goal. Unscrupulous elements in the garb of travel agents have been taking advantage of such zeal of the people. Many a times, the innocent persons are duped of substantial sums of money

arranged by sale of their landed property or by raising loans from money lenders and several people are left in lurch in the foreign lands. Such unscrupulous people are to be dealt with a stern hand. In this case, there are specific allegations of petitioner along with his co-accused Amarjit Singh having cheated innocent persons of lacs of rupees on the pretext of arranging their migration to Canada. The matter was enquired into by the police and the allegations in the complaint were found to have merit. The custodial interrogation of the petitioner is definitely required for complete and effective investigation and to recover the amount of money taken by him from the complainants. In case, the same is denied to the investigating agency that shall leave many glaring loopholes and gaps, adversely affecting the investigation, which is uncalled for. Finding no merit in the instant petition, the same stands dismissed.

27.05.2020

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No